

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:)	
)	Bankruptcy No. 18-23183 CMB
Rachael Anne Baxter)	
fka Rachel Anne McCune)	
Debtor (s))	
Rachael Anne Baxter)	Chapter 13
fka Rachel Anne McCune)	
Movant(s))	
v.)	Related to Docket No. 49 - 58 , 60
)	
PNC Bank, N.A., Fayette County Tax Claim))	
Bureau, Mark McCune and Ronda J.)	Hearing: 5/8/19 at 10:00 AM
Winnecour, Trustee)	
)	
Respondent(s))	

**ORDER APPROVING SALE FREE AND CLEAR OF ALL LIENS, CLAIMS AND
ENCUMBRANCES PURSUANT TO 11 U.S.C. SECTIONS 363(b) - AMENDED**

AND NOW, upon consideration of the Motion for the Sale Free and Clear of All Liens, Claims and Encumbrances, and after hearing on said Motion, the Court finds as follows:

1. Pursuant to 11 U.S.C. Section 363(b), the Debtors have effectuated service of the Motion for Sale of Property Free and Clear of All Liens, Claims and Encumbrances (the Sale Motion) and the related Notice of Sale setting the hearing and response deadline upon the Respondents, and all other parties in interest as required by the applicable Bankruptcy Rules.

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of service duly filed and that the named parties were duly served with the Motion.

3. That the sale was not advertised pursuant to the filed Stipulation for Sale of Property without Publication.

4. That at the sale hearing the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

5. That the price of \$185,000.00 offered by Jeffrey W. Nutter was a full and fair price for the property in question.

6. That the Purchaser(s) has acted in good faith with respect to the within sale in accordance with In re Abbots Dairies of Pennsylvania, Inc. 788 F2d. 143(3d Cir. 1986)

7. The liens and claims to be divested are PNC Bank, N.A., Fayette County Tax Claim Bureau, and Mark McCune.

Now therefore, it is **ORDERED, ADJUDGED AND DECREED** that the sale by Special Warranty Deed of the real property described as 101 Telegraph Road, Brownsville, PA 15417 is hereby **CONFIRMED** to Jeffrey W. Nutter, for \$185,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. **Failure of the closing agent to timely make and forward the disbursements required by this Order** will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order.

- (1)The following lien(s)/claims(s): PNC Bank, N.A.
- (2)Delinquent real estate taxes, if any: Fayette County
- (3)Current real estate taxes, pro-rated to the date of closing: Fayette County
- (4)The costs of local newspaper advertising in the amount of \$0.00
- (5)The costs of legal journal advertising in the amount of \$0.00
- (6)The Court approved realtor commission in the amount of \$12,950.00 plus \$295.00. Realtor commission in amount as reflected on the Closing Disclosure to Berkshire Hathaway representing Rachael Baxter shall be limited to the above-amounts.
- (7)Court approved attorney fees in the amount of \$3,641.30 to "Rice & Associates Law Firm, 15 W. Beau Street, Washington, PA 15301".
- (8)Chapter 13 Trustee "percentage fees in the amount of \$104.62 payable to "Ronda J. Winnecour, Ch. 13 Trustee, PO Box 2587, Pittsburgh, PA 15230"
- (9)The amount of \$59,000.00 from the closing to the Chapter 13 Trustee payable to "Ronda J. Winnecour, Ch. 13 Trustee, W.D.PA., PO Box 84051, Chicago, IL 60689-4002" for plan completion, and

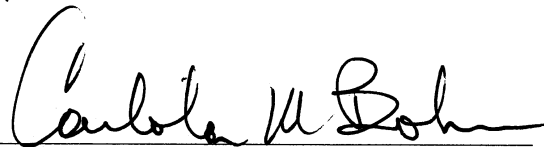
(10) Other: Cash to Debtor, Rachael Baxter, in the amount of \$23,675.00
(exemption amount) **plus the remainder of all proceeds at closing after
payment of items 1 through 9.**

FURTHER ORDERED that:

- (1) Closing shall occur within thirty (30) days of this Order and, **within
five (5) days following closing**, the Movant shall file a report of sale;
- (2) This Sale Confirmation Order survives any dismissal or conversion of
the within case; and
- (3) **Within five (5) days of the date of this Order**, the Movant shall serve
a copy of the within Order on each Respondent (i.e., each party against
whom relief is sought) and its attorney of record, if any, upon any attorney
or party who answered the Motion or appeared at the hearing, the attorney
for the debtor, the Purchaser, and the attorney for the Purchaser, if any,
and file a certificate of service.

May 8, 2019

Dated



Hon. Carlotta M. Bohm
United States Bankruptcy Judge

FILED
5/8/19 1:08 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Rachael Anne Baxter
Debtor

Case No. 18-23183-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: aala
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: May 08, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 10, 2019.

db +Rachael Anne Baxter, 101 Telegraph Road, Brownsville, PA 15417-9581
cr +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 10, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 8, 2019 at the address(es) listed below:

David A. Rice on behalf of Debtor Rachael Anne Baxter ricelaw1@verizon.net,
lowdenscott@gmail.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATIONPNC BANK NATIONAL
ASSOCIATION bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Scott R. Lowden on behalf of Debtor Rachael Anne Baxter niclowlgl@comcast.net

TOTAL: 5